

Deval L. Patrick Governor

Timothy P. Murray Lieutenant Governor

Kevin M. Burke Secretary

# The Commonwealth of Massachusetts Department of Public Safety

Board of Building Regulations and Standards
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Thomas G. Gatzunis, P.E. Commissioner

Gary Moccia, P.E. Chairman

Alexander MacLeod, R.A.
Vice Chairman

Robert Anderson Administrator

Date:

July 30, 2007

Name of Appellant:

Dan Walsh

Service Address:

60 Shawmut Park, Canton, MA,

02021

In reference to:

15 Beacon St., Reading, MA, 01867

Docket Number:

05-428

Property Address:

15 Beacon St., Reading, MA, 01867

Date of Hearing:

06-14-07

We are pleased to enclose a copy of the decision relative to the above case wherein certain variances from the State Building Code had been requested.

Sincerely:

STATE BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc:

State Building Code Appeals Board

**Building Official** 

## **COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS

☐......Granted with conditions (see below)

## State Building Code Appeals Board Docket No. 05-428

#### **BOARD'S RULING ON APPEAL**

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to: Patricia Barry, Coordinator State Building Code Appeals Board BBRS/Department of Public Safety One Ashburton Place - Room 1301 Boston, MA 02108 Dan Walsh Appellant, Town of Reading and C. Glen Redmond Appellees **Procedural History** This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 1014.3 and 3603.13.1 of 780 CMR for the property 15 Beacon St., Reading, MA, 01867. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on June 14, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Present and representing himself and the homeowner was the Appellant. Decision: Following testimony, and based upon relevant information provided, Board members voted to deny the requested variance to reduce the required width to approximately 31 inches of a stair leading from the first floor to the basement of the referenced property as indicated below. □......... Rendered Interpretation XXX...... Denied □..... Granted

□...... Dismissed

The	vote	was:

□.....Unanimous

XXX..... Majority

### **Reasons for Variance:**

The Appellant indicated that he represented the building owner who had applied for a permit to renovate portions of an existing basement for a single-family residence into living area. The subject of the appeal was the set of stairs leading to the basement shown in the photos (exhibit 1) and the plan view (exhibit 2). The stair treads from the first floor leading down to the landing are 31 inches in width. The Appellant indicated hardship in that due to certain limiting conditions established by existing walls on the first and second floors.

Following testimony, Dana Haagensen made a motion to deny the variance request to allow the reduced stair width. The motion was seconded by Stanley Shuman. It was noted in the motion that opportunity exists to provide a stair meeting the minimum dimensions established by the code. It was further noted that the minimum dimensions are established not only for reasons of comfort when traversing the stair, but also to allow the transport of furniture and emergency equipment (such as a stretcher) if necessary. Board members indicated that sufficient evidence was not provided to warrant a variance and that there appeared to be enough space to provide a stair in compliance with the code.

The following members voted in the above manner

Chairman -Rob Anderson

(Voted in opposition)

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: August 20, 2017

Latina Barry

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.